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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,369	09/08/2005	Erwin Lock	10191/4075	4506
26646	7590	04/12/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 12-14 are rejected under 35 U.S.C. 102 (b) as being anticipated by Juergen (DE 19835937A1) listed in IDS.

Regarding claim 12, Juergen discloses a method for regulating the speed of a vehicle, comprising: a service brake, and said service brake of the vehicle is activated when a real vehicle speed exceeds a predetermined set speed by more than a first predetermined speed difference (Juergen, column 2, lines 51-53).

As to claim 13, Juergen discloses that the service brake is deactivated when the real speed falls below the set speed.

As to claim 14, Juergen further discloses a conventional procedure for manually regulating vehicle speed when the real speed exceeds the set speed, a reduction in moment requirements by lifting the foot from the gas pedal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juergen (DE 19835937A1) and in view of Glora (US 20050113212A1).

As set forth in this office action, Juergen discloses a method of controlling vehicle speed as claimed in claim 12. However, Juergen fails to disclose the following: "when the actual speed exceeds the set point speed by a second predefined speed difference,

Art Unit: 3663

which is smaller than the first predefined speed difference, activating an idle speed control and reducing a torque request of activated ancillary components.

Glora direct to a method for operating a drive unit and that the method control the vehicle speed in such a way that the actual vehicle speed is compared with a setpoint speed via the controller (5) (Glora, page 2, paragraph 0013, figure 1), and that controller (5) activate idle speed control, and reducing a torque request of activated ancillary components (see Glora, page 2, paragraph 0013).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Juergen to include the teachings Glora so that overrun fuel cutoff is enable as soon as the set point value falls below a characteristic value.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

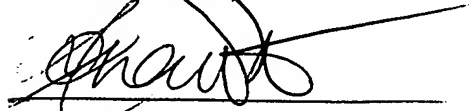
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 3663

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line. The signature is stylized and cursive.

Tuan C To

March 30, 2006